THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 8352 of 2007

Order:

By this writ petition, the petitioners are questioning the proceedings dated 25.07.2006 issued by the 1st respondent, and consequential orders of the 3rd respondent, dated 12.02.2007, 09.02.2007, 09.02.2007, 15.02.2007, 06.02.2007 and 07.02.2007, revising the pensionary benefits of the petitioners and ordering for recovery of Rs.65,661/-, Rs.38,673/-, Rs.1,29,245/-, Rs.73,407/-, Rs.19,365, and Rs.56,790/- respectively towards excess amount paid from their pensionary benefits, as illegal and arbitrary, and consequently to set aside the same by holding that the petitioners are entitled to get weightage of additional qualifying service of five years on their voluntary retirement.

Heard the learned counsel for the petitioners and the learned Standing Counsel for the respondents.

The main contention of the learned counsel for the petitioners in this writ petition is that the present impugned orders, revising the pensionary benefits of the petitioners and ordering for recovery of Rs.65,661/-, Rs.38,673/-, Rs.1,29,245/-, Rs.73,407/-, Rs.19,365, and Rs.56,790/- respectively towards excess amounts paid from their pensionary benefits, were passed without issuing any notices and without affording any opportunity of hearing to the petitioners, hence, the same are liable to be set aside. Learned Standing Counsel for the respondents did not dispute the said fact.

Since the impugned orders came to be passed without issuing any notices and without affording any opportunity of hearing to the

petitioners, I am of the considered view that the same are liable to be set aside.

Accordingly, the writ petition is allowed and the impugned orders passed by the 3rd respondent are hereby set aside. However, this order does not preclude the authorities concerned to pass appropriate orders after issuing notices and hearing the petitioners. No costs.

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N.V. RAMANA, J.

Date: 20.04.2007
KSR